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Chairman: Mr. Busacca ..... (Italy)

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The meeting was called to order at 3.15 p.m.

Agenda item 105: Advancement of women (*continued*) (A/C.3/52/L.15/Rev.1)

Draft resolution A/C.3/52/L.15/Rev.1: Improvement of the situation of women in rural areas

1. **Mr. Bold** (Mongolia) introducing the draft resolution on behalf of the sponsors, which had been joined by Canada, Côte d'Ivoire, Germany, Finland, Lesotho, Malaysia, Mauritius, Namibia, South Africa, Swaziland, Sweden, Thailand, the United Republic of Tanzania and Zambia, said that despite progress in implementing the Beijing Declaration and Platform for Action, rural women still faced great challenges. The text of the draft resolution was similar to that of previous resolutions aimed at improving their situation, and he would merely draw attention to the main substantive changes introduced.

2. In the preamble the General Assembly welcomed the Declaration and Plan of Action adopted by the Microcredit Summit. References to the World Food Summit and the United Nations Conference on Human Settlements had been added to the *chapeau* of paragraph 2. A new paragraph 2 (c) expressed the need to increase rural women's awareness of their rights and role in political and socio-economic development; paragraph 2 (d) added the words "at the local and national levels"; and a new paragraph 2 (e) called on Governments to design and revise laws in such a way as to end land rights discrimination. After extensive consultations among sponsors and interested delegations, sub-paragraph 2 (e) of the previous text in document A/C.3/52/L.15 had been replaced by paragraph 24 of the report submitted to the Economic and Social Council by the Commission on the Status of Women earlier in 1997. Paragraph 2 (g) underlined the importance of promoting and strengthening microfinancing programmes, and paragraph 2 (h) stressed that women's unpaid work and contributions should be visible and recorded in economic surveys and statistics at national levels.

3. Two revisions should be noted. In the eighth preambular paragraph, the word "many" should be inserted before "developing", and the rest of the sentence following "rural" should be deleted. In paragraph 2, the words "policies and" should be inserted after "microfinancing".

4. The sponsors of the draft resolution hoped that it would be adopted by consensus.

Agenda item 107: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/52/L.26, L.27 and L.30)

Draft resolution A/C.3/52/L.26: Assistance to unaccompanied refugee minors

5. **Ms. Wahbi** (Sudan) introduced the draft resolution on behalf of the sponsors, which had been joined by Colombia, the Dominican Republic, Georgia and Jordan, and expressed their hope that it would be adopted by consensus.

Draft resolution A/C.3/52/L.27: Assistance to refugees, returnees and displaced persons in Africa

6. **Ms. Moteetee** (Lesotho), introducing the draft resolution on behalf of the Group of African States, said that the following new preambular paragraph should be inserted after the sixth preambular paragraph:

> "*Welcoming further* the outcome of the ministerial meeting of the Security Council on the situation in Africa, held on 25 September 1997, and the attention that was given to, among other things, the issue of refugees, returnees and displaced persons in Africa,"

Moreover, in paragraph 2 of the draft resolution, the words "declining socio-economic situations, compounded by" should be inserted before "political instability". She then expressed the hope of the sponsors that the draft resolution would be adopted by consensus.

Draft resolution A/C.3/52/L.30: Continuation of the Office of the United Nations High Commissioner for Refugees

7. **Ms. Mustonen** (Finland), after introducing the draft resolution on behalf of the sponsors, which had been joined by Afghanistan, Bangladesh, Burkina Faso, Colombia, Côte d'Ivoire, Croatia, Guatemala, Guinea-Bissau, Morocco, Mozambique, Nepal, Nicaragua, Suriname and Uganda, expressed the hope that the draft resolution would be adopted by consensus.

Agenda item 112: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/52/40, A/52/44, A/52/182, A/52/359, A/52/387, A/52/445, A/52/446, A/52/507, A/52/511)

8. **Mr. Ka** (Senegal) said that his Government had ratified the principal international human rights instruments

and was seeking to ensure their effective implementation by strengthening the rule of law, promoting education in human rights, and conducting a sound economic and social policy based on good governance, transparency, participation and decentralization. It put civil and political rights, economic, social and cultural rights and the right to development on an equal footing. Each citizen was entitled to express and disseminate his or her opinions orally, in writing, or through images. Citizens who believed that their rights had been violated could bring legal action. They could also submit complaints to the Constitutional Council or to the Mediator of the Republic, an institution set up in 1991 to assist citizens in their dealings with the Government.

9. Moreover, his Government had taken measures to strengthen the national human rights committee, in conformity with the spirit of General Assembly resolution 48/132 and of the Yaoundé declaration of February 1997 following the first African conference of national human rights institutions. Its commitment to ensuring respect for human rights had been demonstrated by the establishment in 1996 of an interministerial committee on human rights and humanitarian law to coordinate government activities in that field, consider claims of human rights violations, monitor compliance with the international instruments to which his country was a party and promote instruction in human rights and humanitarian law. His Government also sought to harmonize its domestic legislation with the international conventions that it had signed in order to ensure overall respect for basic human rights, including the rights of women, children and the family.

10. His Government had recently set up a national committee to monitor elections, which was an independent body that supervised the entire electoral process. Lastly, he pointed out that the African Commission on Human Rights had recently decided to speed up the adoption of a draft protocol on the establishment of an African court for human rights and the rights of peoples, promote the setting up of a rapid intervention mechanism for mass violations of human rights in Africa, support the establishment of an international criminal court and ensure better representation of women within the African Commission on Human Rights.

11. **Mrs. Hertz** (Chile) said that her country attached particular importance to the implementation of human rights instruments and underscored the need to ensure the highest standards in promoting and protecting human rights. In that connection, her delegation expressed concern at the efforts of some countries to undermine the effectiveness of international action to protect human rights by questioning its legitimacy and at the increasing tendency to accord priority to domestic legislation over international instruments, which weakened the effectiveness of the international system. Accordingly, Chile once again called upon all States to adapt their domestic legislation in order to ensure the primacy of international human rights instruments and standards.

12. The report on the eighth meeting of the persons chairing the human rights treaty bodies reflected the main problems encountered in the effective implementation of international human rights instruments. Chile shared the view that it was not desirable to merge the six bodies established under human rights treaties into a single committee and was also concerned about the situation in which States parties that did not submit periodic reports were able to avoid monitoring with impunity. That situation must be speedily corrected in order to maintain the credibility of the international monitoring system.

13. Chile supported the call for the universal ratification of the human rights treaties and supported the role of the High Commissioner for Human Rights in that regard. Her country commended the work of the human rights treaty bodies and supported the necessary coordination of their work and the allocation of greater resources to ensure their effectiveness. It also welcomed the idea of using new technologies to promote human rights through the universal dissemination of information on those rights and human rights monitoring. Lastly, her delegation fully supported the strengthening of the Office of the High Commissioner for Human Rights.

14. **Mr. Ogun** (Benin) said that his country attached great importance to human rights questions and the work of the High Commissioner for Human Rights. Respect for human rights was essential for sustainable development. Over the past seven years, Benin had been undergoing a process of democratic renewal based on the rule of law and respect for human rights and fundamental freedoms. The setting up of effective democratic institutions and the holding of regular elections had made it possible to create conditions for the enjoyment of fundamental freedoms. Benin was a party to several international human rights conventions and endeavoured to observe its obligations under them.

15. In October 1996, his Government had set up a national committee to monitor the implementation of international human rights instruments and, with the help of international cooperation, was carrying out activities to educate the population in that area. In that connection, he commended the Office of the High Commissioner for Human Rights and the Centre for Human Rights for the assistance that they had provided to Benin under a technical cooperation programme, which had made it possible to enhance public awareness of

human rights issues. The renewal of the programme would expand its reach to include the entire population. Accordingly, his delegation appealed to all donor countries to provide the necessary means to support his country's national projects aimed at strengthening the rule of law and the observance of human rights. The right to development, which was a basic right, was essential for promoting and protecting economic, social, cultural, civil and political rights, since poverty was a real obstacle to the effective enjoyment of those rights. In December 1996, his Government had held a national economic conference which had set forth important guidelines and recommendations as part of a participative approach to the problem of development. In order to meet the short-term and medium-term needs of the population, the Government had based its strategy on the concept of a "common social minimum" aimed at satisfying the everyday needs of the population with regard to food, health, education and employment.

16. International solidarity based on specific economic measures for implementing the right to development was a better way of guaranteeing peace and security and protecting human rights throughout the world. The observance of the fiftieth anniversary of the Universal Declaration of Human Rights should be an occasion for evaluating progress made and identifying obstacles to be overcome in order to improve the overall protection of human rights.

17. **Mrs. Bano** (India) said that her country, having recently signed the Convention against Torture, was now a party to all six major international human rights treaties. Although the human rights treaty system had functioned remarkably well on the whole, it faced a number of problems, including excessive reporting obligations, lack of coordination, late submission of reports, poor follow-up, lack of linkages to technical cooperation and advisory services programmes and a shortage of adequate resources for treaty-monitoring bodies. Despite the important role played by treaty mechanisms in promoting and protecting human rights, the unbridled enthusiasm for standard-setting at the expense of patient implementation had resulted in a proliferation of instruments which threatened to overload the system. Furthermore, such instruments should not only reflect the views of a minority instrumental in its drafting but should also aspire to realistic universal standards in the progressive development of international law.

18. Proposals that would blur the lines between treaty bodies and other human rights mechanisms should be approached with caution. Coordination, while desirable, should be based on need and should not be at the expense of the integrity and independence of the treaty-monitoring system. In general, the essential division of labour between the various instruments must be maintained.

19. Lastly, there was a need to look beyond legal approaches alone and to exploit the full potential of available means for promoting and protecting human rights. It was questionable whether the increasingly litigious nature of human rights discourse was the best, or indeed the only, way of promoting respect for human rights. The political approach also had its limitations. Consideration should be given to alternative approaches based on dialogue, ethics, culture, moral values and religion. The universality of human rights was due to their presence, in one form or another, in all traditions.

20. **Mr. Albin** (Mexico) said that in 1998 the attention of Member States would once again be focused on the promotion and protection of human rights. His Government believed that the rule of law would be impossible at the national level without full respect for human rights and was therefore working to build a more open, free and just society. The role of institution-building being crucial, it had established an interministerial commission to monitor the implementation of Mexico's international human rights commitments. The commission's basic functions were to coordinate domestic actions and improve internal communication and to facilitate dialogue and cooperation with international human rights bodies and non-governmental organizations.

21. His delegation looked forward to taking an active and constructive part in the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights. Areas of particular interest included those of migrant workers, the death penalty, and international cooperation. His Government was seriously concerned at the situation of thousands of persons who, because they migrated in search of improved living conditions, were subjected to manifestations of violence, racism and xenophobia. As in previous years, his delegation would submit to the Third Committee a draft resolution calling upon Governments to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The entry into force of that Convention would be a significant contribution to the promotion and protection of the rights of migrant workers. As for the death penalty, his delegation considered that the right to life was the ultimate human right; it was paradoxical that a trend currently existed towards the application of capital punishment to various types of offences. In some cases, basic rules of international law were not respected. Such practices were unacceptable, and his Government would continue to protect the rights of its nationals. 1998

provided the international community with an excellent opportunity to launch a worldwide campaign for the abolition of capital punishment. As for the issue of international cooperation, his delegation believed that such cooperation in the area of monitoring and verification of respect for human rights must be improved; training, exchanging information and experiences, and the strengthening of institutions were examples of areas in which progress could be achieved.

22. The Universal Declaration had defined basic human rights, and the Vienna Declaration and Programme of Action had affirmed the universal, indivisible and interdependent nature of those rights and emphasized the need to include the right to development as a basic human right. His Government reiterated its commitment to the principles contained in those important texts.

23. **Ms. Pinto** (Argentina) said it was auspicious that, with the approach of the fiftieth anniversary of the Universal Declaration of Human Rights, the United Nations was working on a programme of reforms, all aspects of which incorporated a human rights dimension: peace and security, economic and social matters, development cooperation and humanitarian affairs. In the years that had passed since 1945, the content of the Declaration had become part of customary international law, and discussion of human rights had acquired the same universality as the rights themselves. The 1990s had shown that discussion must be accompanied by effective implementation.

24. The return to democracy in Argentina had brought with it accession to human rights treaties, acceptance of the competence of human rights treaty bodies, and the gradual incorporation of human rights standards in the work of the judiciary. Eleven international human rights instruments had been accorded the same status as constitutional law.

25. It was regrettable that certain human rights instruments were less universal than they were reputed to be. A debate was taking place in the international community regarding the validity of reservations to human rights treaties. The outcome would be of great importance for the future of international human rights standards. The recent meeting of persons chairing the human rights treaty bodies had rightly observed that States which failed to submit periodic reports to those bodies escaped the scrutiny of the international monitoring system. All States parties to human rights treaties should fulfil the commitments they had undertaken and cooperate with the corresponding treaty bodies. It was desirable to improve cooperation between treaty bodies, on the one hand, and the special procedures of the Commission on Human Rights; the latter had the merit of conferring universality on the system for the protection of human rights.

26. Her delegation was currently participating in a working group which was preparing a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The negotiations currently taking place in that working group would introduce an element of prevention, which had previously been lacking in the area of human rights. A consensus existed on the need for visits to places of detention, the participation of experts in missions, and the integrity of the text to be adopted.

27. While the principles of universality, interdependence and indivisibility were well recognized in current interpretations of human rights, a commitment from Member States was needed, with the approach of the new millennium, to ensure that democracy and development were strengthened as the background to the exercise of those rights.

28. **Mr. Filippi Balestra** (San Marino) said that his country attached the greatest importance to the promotion and protection of human rights and looked forward to the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights as an occasion for improving the observance of human rights standards. His delegation was deeply concerned that human rights violations still occurred and underscored the need to protect human rights more actively. San Marino had a long tradition of safeguarding and promoting human rights and had been the first European country to abolish the death penalty. The Government widely disseminated the texts of human rights conventions and accorded priority to educating children about human rights standards and the need for tolerance. San Marino was prepared to host an international event in connection with the celebration of the fiftieth anniversary of the Declaration, and his delegation commended the High Commissioner for Human Rights for establishing a task force for that purpose.

29. **Mr. Reyes Rodríguez** (Cuba) said that, while his Government attached particular importance to the work of the human rights treaty bodies, it believed that the future effectiveness and credibility of those bodies depended on resolving a number of issues. In the first instance, they should not adopt the punitive approach of an international tribunal, and their dialogue with States should be frank and constructive. Since the legal basis for their work lay in the international instruments which had brought them into being, they must demand the fulfilment only of those undertakings which the States parties had entered into.

30. The membership of the treaty bodies should reflect the principle of equitable geographical distribution, and the States parties should consider the possibility of introducing geographical quotas, to be adjusted periodically. Also, the principle of respect for diversity meant that the current tendency to impose a single language for certain documents and for informal meetings and working groups was unacceptable. Any decision to use a single language should involve the use of an equitable system of rotation, ensuring that all working languages were used in turn. The basic sources of information for treaty bodies were reports from States parties and additional information provided in response to requests from the treaty body itself. Any other information put before the members of a treaty body must at least be transmitted to the State party in question. Transparency in handling information was needed to avoid distrust and politicization. The treaty bodies should also establish clear rules regarding the admissibility of information provided by entities other than the State party itself.

31. As for the issue of the overlapping of tasks and activities among treaty bodies, the solution was a simple one: each of those bodies should strictly comply with its mandate. Also, it was unacceptable that they should seek to judge the legitimacy of reservations which were not expressly prohibited in the text of the treaty concerned or to question the right of a State to withdraw from a treaty unless the text established that it could not do so.

32. Treaty bodies were made up of human beings, whose conclusions were far from infallible. Accordingly, their reports to other United Nations bodies should include the comments submitted officially by the States parties in response to questions and observations. Also, support services for the work of the treaty bodies must be provided only by the staff of the Centre for Human Rights or of another Secretariat unit.

33. Harmonization of working methods was needed in areas such as the preparation of reports and requests for additional information. The workload currently involved in preparing and presenting periodic reports was unquestionably too heavy, particularly for developing countries. The States parties to the human rights instruments and the relevant international bodies should therefore undertake the needed reform and simplification of the human rights monitoring system, a task in which his delegation was ready to take an active part.

34. **Mr. Chang Beom Cho** (Republic of Korea) said that universal ratification of human rights treaties was critically important; such universality would serve to translate into concrete action the collective commitments of the international community to the cause of human rights. Although tangible progress had been made in promoting universal adherence to core human rights treaties, almost 30 per cent of States had yet to become parties to the two international human rights covenants. A disturbing development in that regard had been the recent announcement by a State party to the International Covenant on Civil and Political Rights of its intent to withdraw from the Covenant. Such unilateral action would be unprecedented and would constitute a serious challenge to the integrity of the entire human rights treaty system.

35. The chairpersons of human rights treaty bodies, in paragraph 29 of the report on their eighth meeting (A/52/507), had called upon the international community to do everything possible to uphold the integrity of the human rights treaty system in general and that of the Covenant in particular. The Human Rights Committee had stated that international law did not permit a State which had ratified the Covenant or acceded or succeeded to it to denounce it or withdraw from it. His delegation hoped that all members of the international community and relevant United Nations bodies would make every effort to avert the unprecedented threat to the Covenant.

36. While universal accession to human rights instruments was essential, the promotion and protection of human rights required full implementation by States parties of their obligations. They must take legislative and administrative measures which conformed to international standards and also fulfil their reporting obligations. He emphasized the importance of the effective functioning of the reporting system and noted with particular concern the increasing number of overdue reports from States as well as the backlog of reports awaiting consideration. Drastic steps should be taken to improve the situation. Serious consideration should be given to such proposals as the development of an advisory services programme to assist States prior to ratification or to the preparation of reports; the replacement of comprehensive periodic reports with specific ones reflecting each State party's particular situation; and the preparation of consolidated reports. His delegation welcomed the extensive discussion by the chairpersons of the treaty bodies of various reform initiatives to enhance the efficiency of the monitoring system. It also welcomed the increasing cooperation and coordination between human rights treaty bodies, specialized agencies, and other United Nations bodies.

The meeting rose at 5 p.m.